

IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.25883 of 1997

Dated:24.01.2007

Between

Kothalanka Suryanarayanamma
and seven others.

..... Petitioner

And

The Mandal Revenue Officer,
Visakhapatnam (Urban),
Visakhapatnam and two others.

.....Respondents

HON'BLE SRI JUSTICE GOPALA KRISHNA
TAMADA

WRIT PETITION No.25883 of 1997

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus by declaring the inaction of the first respondent-Mandal Revenue Officer, Visakhapatnam (Urban) Visakhapatnam, in disposing of the application dated 25.11.1996 of the petitioners, as illegal and arbitrary and

consequently, to direct him to dispose of the same; and further, to direct the second respondent not to dispose of C.C.Nos.811/76, 822/76, 839/76, 2111/76, 6248/76, 126/96/C2 and 6237/76/C2 till the disposal of the application dated 25.11.1996.

In the affidavit, filed in support of the writ petition, it is stated that one K.Suryanarayana was granted ryothwari patta in respect of the land in T.D.No.36 admeasuring an extent of Ac.14-00 cents situated in Waltair Village. After his death, his son K.Jagannatha Rao had been cultivating the same. Subsequently, the said property devolved on the petitioners after the death of Jagannadha Rao. While so, Pampana family, Yenamareddy family, etc tried to get clearance certificate for the said property from the second respondent in the C.Cs. referred to above without any right or possession over it by creating false records. Then the petitioners raised their objections before the second respondent, who insisted them to produce the records pertaining to the said T.D.No. to substantiate their right, title and interest. Hence, the petitioners, through one N.Narayana Raju as General Power of Attorney, submitted an application dated 25.11.1996 to the first

respondent-Mandal Revenue Officer (Urban), Visakhapanam, to make necessary entries in all the revenue records basing on the ryotwari patta dated 07.13.1960 and 10 (1) account of late K.Suryanarayana. But, the first respondent has not disposed of the same by conducting any enquiry. On the other hand, the second respondent is trying to dispose of the said C.Cs before passing orders on the application, dated 25.11.1996. Hence, the present writ petition.

Learned counsel appearing for the petitioners submitted that the said application is not yet disposed of by the first respondent.

Though this Court issued rule nisi on 29.10.1997, no interim order was granted in favour of the petitioners.

Absolutely, there is no justification on the part of the first respondent in not passing appropriate orders on the application submitted by the petitioners.

On a perusal of the record and having heard the learned counsel appearing for the petitioners at

length, I deem it appropriate to issue directions to the first respondent to pass appropriate orders on the application, dated 25.11.1996, submitted by the petitioners, if not already disposed of, at the earliest.

Subject to the above direction, the writ petition is dismissed. There shall be no order as to costs.

24.01.2007

DR